

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ADA JOANN EMERY, Personal	)	Case No. 8:15cv3009
Representative of the Estate of	)	
PHILLIP WAYNE WALKER,	)	
Deceased,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
COUNTY OF DAKOTA, a Nebraska	)	
Political Subdivision; and DOES 1-5,	)	
in their individual and official capacities,	)	
	)	
Defendants.	)	

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**AFFIDAVIT OF MARJORIE DONAHUE**

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STATE OF NEBRASKA            )  
  ) ss  
COUNTY OF DAKOTA         )

I, Marjorie Donahue, being first duly sworn upon oath, and make these statements from my personal knowledge, depose and state as follows:

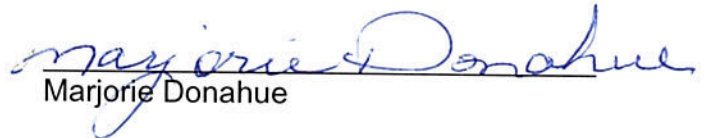
1. That I am of lawful age and have personal knowledge of the facts stated herein.
2. That at all times pertinent to the above-referenced action, I have been employed as Medical Director of the Dakota County Correctional Facility (DCCF). I am certified as a licensed practical nurse. My normal shift is from 0730 to 1530 hours, Monday through Friday.
3. That on January 17, 2013, I arrived at the DCCF to begin my shift at approximately 0700 hours. That morning, I assisted the visiting physician with five inmates who

had scheduled appointments to be seen that morning at the jail, passed the morning medications to the inmates, updated records, responded to inmate medical requests, and ordered medications.


4. That at approximately 1100 hours, I happened to cross paths with Lieutenant Brenda Kelly in the booking area. She mentioned to me that the previous night, a man with a very high blood alcohol level, who I now know to be Phillip Walker, had been brought to the DCCF as a CPC (civil protective custody). Lt. Kelly explained that Mr. Walker was in the "Holding 1 cell" and that the staff had just re-checked his blood alcohol level and it was now low enough that they planned to release him. This was the first time that I was made aware of this particular inmate. I looked through the window to the holding cell and saw Mr. Walker sitting on a mattress facing the wall with his back to me, but I did not make contact with him at that time.
5. That a few minutes later at approximately 1120 hours, I was in the medical office across the hall when I heard Lt. Kelly yelling for assistance. Upon opening the door of the medical office, I saw Lt. Kelly holding open the booking area door, and she said Mr. Walker had just fallen. I grabbed the blood pressure cuff and entered the holding cell, where I observed Mr. Walker lying on his back. Correctional Officer Jeffrey Heitzman was elevating his head and back of his neck. I knelt down to access Mr. Walker and performed a series of diagnostic preliminaries to assess his condition. As the result of these assessments, I and the other officers agreed that Mr. Walker needed to be transported by ambulance to Mercy Medical Center. A call was made for EMS and I remained with Mr. Walker until medical rescue arrived.
6. That attached hereto as Exhibit A is a true and accurate copy of an incident report I generated in the ordinary course of business regarding my involvement in the events of January 17, 2013, pertaining to Mr. Walker. This report was originally generated at or near the time of the events described therein, and is a record

usually generated and maintained in the ordinary course of business for the DCCF.  
I incorporate the content of such report in this Affidavit as if fully set out here, and  
verify that the facts stated therein are true and accurate to the best of my current  
knowledge and recollection.

FURTHER AFFIANT SAITH NOT.

  
Marjorie Donahue

Subscribed and sworn to before me this 28<sup>th</sup> day of January, 2016.

  
Notary Public

